



FORM #0299
Rev. 5/93

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
WATER USE PERMIT NO. 36-04463-W**

(NON - ASSIGNABLE)

Date Issued: MAY 15, 2003

Expiration Date: May 15, 2013

Authorizing: THE USE OF GROUNDWATER FROM THE WATER TABLE AQUIFER AND SURFACE WATER FROM ON-SITE BORROW PIT(S) FOR INDUSTRIAL AND PUBLIC WATER SUPPLY USE WITH AN ANNUAL ALLOCATION OF 3650.18 MILLION GALLONS.

Located In: Lee County, S17,20/T47S/R26E

Issued To: SAM AND CONNIE HUBSCHMAN
(BONITA FARMS 1 AND 2)
25501 BONITA GRANDE DR
BONITA SPRINGS , FL 34125

This Permit is issued pursuant to Application No. 020225-8 , dated February 22, 2002, for the Use of Water as specified above and subject to the Special Conditions set forth below. Permittee agrees to hold and save the South Florida Water Management District and its successors harmless from any and all damages, claims or liabilities which may arise by reason of the construction, maintenance or use of activities authorized by this permit. Said application, including all plan and specifications attached thereto, is by reference made a part hereof.

Upon written notice to the permittee, this permit may be temporarily modified, or restricted under a Declaration of Water Shortage or a Declaration of Emergency due to Water Shortage in accordance with provisions of Chapter 373, Fla. Statutes, and applicable rules and regulations of the South Florida Water Management District.

This Permit may be permanently or temporarily revoked, in whole or in part, for the violation of the conditions of the permit or for the violation of any provision of the Water Resources Act and regulations thereunder.

This Permit does not convey to the permittee any property rights nor any privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation, or requirement affecting the rights of other bodies or agencies.

Limiting Conditions are as follows:

SEE PAGES 2 - 3 OF 3 (21 LIMITING CONDITIONS).

Filed with the Clerk of the South
Florida Water Management District

South Florida Water Management
District, by its Governing Board

On ORIGINAL SIGNED BY:
ELIZABETH VEGUILLA

By _____
Deputy Clerk

ORIGINAL SIGNED BY:
GARRETT WALLACE JR.

By _____
Assistant Secretary

LIMITING CONDITIONS

- 1 . This permit shall expire on May 15, 2013.
- 2 . Application for a permit modification may be made at any time.
- 3 . Water use classification:
 - Industrial water supply
 - Public water supply
- 4 . Source classification:
 - Ground Water from:
 - Water Table Aquifer
 - Surface Water from:
 - On-site Borrow Pit(s)
- 5 . Annual allocation shall not exceed 3650 MG.

Maximum monthly allocation shall not exceed 31.5 MG.
- 6 . In the event of a declared water shortage, water withdrawal reductions will be ordered by the District in accordance with the Water Shortage Plan, Chapter 40E-21, F.A.C. The Permittee is advised that during a water shortage, pumpage reports shall be submitted as required by Chapter 40E-21, F.A.C.
- 7 . Withdrawal Facilities:
 - Ground Water - Existing:
 - 3 - 4" X 60' X 20 GPM Wells With Unknown Cased Depth
 - Surface Water - Existing:
 - 3 - 16" x 150 HP X 7000 GPM turbine Pumps
- 8 . Permittee shall mitigate harm to existing legal uses caused by the permittee's withdrawals as determined through reference to the conditions for permit issuance. When harm occurs, or is imminent, the District will require the permittee to modify withdrawal rates or mitigate the harm. Harm, as determined through reference to the conditions for permit issuance, includes:
 - A) Reduction in surface or ground water levels that prevents an adjacent withdrawal facility from producing water, or
 - B) Induced movement of saline water or pollutants into a withdrawal facility to a degree that causes the water to be unsuitable for the use intended.
- 9 . Permittee shall mitigate harm to existing off-site land uses caused by the permittee's withdrawals, as determined through reference to the conditions for permit issuance. When harm occurs, or is imminent, the District will require the permittee to modify withdrawal rates or mitigate the harm. Harm as determined through reference to the conditions for permit issuance, includes:
 - A) Significant reduction in water levels in an adjacent surface water body, including impoundments, to the extent that the designed function of the authorized structures and facilities is impaired,
 - B) Land collapse or subsidence caused by reduction in water levels, or
 - C) Damage to crops and other types of vegetation caused by withdrawals that impair the operation of a seepage irrigation system.

10. Permittee shall mitigate harm to the natural resources caused by the permittee's withdrawals, as determined through reference to the conditions for permit issuance. When harm occurs, or is imminent, the District will require the permittee to modify withdrawal rates or mitigate the harm. Harm, as determined through reference to the conditions for permit issuance includes:
 - A) Reduction in ground or surface water levels that results in harmful lateral movement of the fresh water/salt water interface,
 - B) Reduction in water levels that harm the hydroperiod of wetlands,
 - C) Significant reduction in water levels or hydroperiod in a naturally occurring water body such as a lake or pond,
 - D) Harmful movement of contaminants in violation of state water quality standards, or
 - E) Significant damage to the natural system including damage to habitat for rare or endangered species.
11. If any condition of the permit is violated, the permit shall be subject to review and possible modification, enforcement action, or revocation.
12. Authorized representatives of the District shall be permitted to enter, inspect, and observe the permitted system to determine compliance with special conditions.
13. The Permittee is advised that this permit does not relieve any person from the requirement to obtain all necessary federal, state, local and special district authorizations.
14. The permit does not convey any property right to the Permittee, nor any rights and privileges other than those specified in the Permit and Chapter 40E-2, Florida Administrative Code.
15. Permittee shall submit all data as required by the implementation schedule for each of the limiting conditions to: S.F.W.M.D., Supervising Hydrogeologist - Post-Permit Compliance, Water Use Regulation Dept. (4320), P.O. Box 24680, West Palm Beach, FL 33416-4680.
16. Within six months of permit issuance, the Permittee shall provide the results of the calibration testing of the identified water accounting method(s) and equip all existing and proposed withdrawal facilities with approved water use accounting method(s) pursuant to Section 4.1 of the Basis of Review for Water Use Permit Applications.
17. Every five years from the date of Permit issuance, the Permittee shall submit re-calibration data on each water pumping accounting facility, for those Permittees whose accounting method(s) require re-calibration.
18. Monthly withdrawals for each withdrawal facility shall be submitted to the District quarterly. The water accounting method and means of calibration shall be stated on each report.
19. This Permit supersedes and/or cancels the following Water Use Permits:

Permit No. 36-00315-W
20. This is an existing project. A surface water management permit will be required prior to any change in land use or modification of the drainage system.
21. The Permittee shall continue to submit monitoring data in accordance with the approved water quality monitoring program for this project.